

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILFREDO TORRES,

Plaintiff,

vs.

CITY OF NEW YORK; NEIL VERAS; PATRICIA DE JESUS, Shield No. 1305; DIOASKY PENA, Shield No. 10240; DANIEL PEARLES, Shield No. 15167; MATEUSZ HADER, Shield No. 9149; NEW YORK CITY HEALTH AND HOSPITALS; ARKAPRAVA DEB, M.D.; and STEVEN LASLEY, M.D.,

Defendants.

ORDER

19 Civ. 6332 (ER)

RAMOS, D.J.:

Wilfredo Torres, *pro se*, brought this action against the City of New York (the “City”), New York City Health and Hospitals (“NYCHH”), Police Lieutenant Neil Veras, Police Officer Patricia de Jesus, and numerous John Does, for violating his constitutional rights during a search of his apartment and his subsequent hospitalization at Bellevue Hospital. Doc. 1. On October 9, 2020, following the City and NYCHH responses to the Court’s *Valentin* Order, Plaintiff filed his second amended complaint replacing the John Does with Officers Dioasky Pena, Daniel Pearles, Mateusz Hader, and Doctor Arkaprava Deb. Doc. 81. Plaintiff also added Dr. Steven Lasley, who had not previously been listed as a John Doe, as a defendant. *Id.* On October 26, 2020, the Court issued an order of service as to Officers Pena, Pearles, and Hader, and Drs. Deb and Lasley. Doc. 86.

At the November 4, 2020 pre-motion conference regarding NYCHH’s proposed motion to dismiss, NYCHH argued that Plaintiff’s addition of Dr. Lasley as a defendant was improper. Doc. 109 at 8:10-22. When the Court asked Plaintiff to articulate his basis for naming Dr. Lasley

as a defendant, Plaintiff stated that he had been treated by two doctors at Bellevue Hospital. *Id.* at 8:23-9:4. The Court granted NYCHH leave to file its proposed motion to dismiss, including a challenge to the addition of Dr. Lasley as a defendant, within four weeks of service on Drs. Deb and Lasley. *Id.* at 7:2-4, 9:10-16.

On January 15, 2021, Dr. Lasley's summons was returned unexecuted because Bellevue Hospital "ha[d] no record of" him. Doc. 113. As of the date of this order, Dr. Deb's summons has not been returned. On January 28, 2021, the Court granted Plaintiff's request to serve the defendants, and issued an order of service as to Drs. Deb and Lasley ("January 28 Order"). Doc. 120.

However, because the second doctor who examined Plaintiff has not yet been identified in Bellevue Hospital's records, the Court's January 28 Order cannot be fulfilled at this time. Accordingly, the NYCHH is directed to identify the second doctor who examined Plaintiff at Bellevue Hospital, who Plaintiff has attempted to identify as Dr. Lasley, by **March 2, 2021**. *Valentin v. Dinkins*, 121 F.3d 72, 76 (2d Cir. 1997).

The January 28 Order, Doc. 120, is therefore stayed until **March 2, 2021**.

The Clerk is further directed to mail a copy of this order to Wilfredo Torres, 470 Second Avenue, Apt. 2A, New York, New York 10016.

It is SO ORDERED.

Dated: February 2, 2021
New York, New York

A handwritten signature in blue ink, appearing to read "Edgardo Ramos", is written above a horizontal line.

EDGARDO RAMOS, U.S.D.J.